

BOARD OF SELECTMEN
APRIL 19, 2017
REGULAR SESSION

Members Present: David Andrade, Nelson Almeida, David Viera, David Parker

Michelle Hines was absent.

Town Administrator: Shawn E. Cadime

Chairman Andrade opened the meeting at 7 p.m. followed by the Pledge of Allegiance and moment of silence.

He advised that, in accordance with M.G.L. Chapter 30A, Section 29(f), anybody recording the meeting must notify the Chairman. The Board of Selectmen is recording via audio and visual.

BOARD AND COMMITTEE OPENINGS UPDATE

Mr. Viera announced that volunteers are needed on the Board of Health (1 Board of Selectmen appointment), Conservation Commission (3 BOS), Economic Development Committee (1 BOS), Historical Commission (2 BOS), Human Services Board (1 BOS), Permanent Building Committee (5 BOS), Property Tax Work-Off Committee (2 BOS), Recycling Committee (1 BOS), Veterans Memorial Park Committee (1 BOS), and Zoning Board of Appeals (1 BOS).

COMMUNITY SPEAKS – None.

PRIORITY MATTERS

Consider the Appointment of Lorraine Sorel to the Position of Assistant Town Clerk

Mr. Cadime noted that the town clerk retired and the assistant town clerk was elected creating a vacancy of assistant town clerk. Three in-house candidates applied and were interviewed.

He said it was an honor and privilege to recommend Lorraine Sorel to the position. She has worked in the collector's office for 23 years and helped in the clerk's office on occasion.

Mrs. Sorel was in attendance. Several town hall employees were also in attendance to support her. She said she was very happy and looking forward to the new position.

Board members had positive comments about her.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

VOTED: To appoint Lorraine Sorel to the position of Assistant Town Clerk.

Mr. Almeida was pleased to see a promotion from within.

Interview David Saad for Appointment to the Charter Study Committee

Mr. Parker said that Mr. Saad is a logical and clear thinker.

Mr. Parker motioned, Mr. Almeida seconded, and it was unanimously

VOTED: To appoint David Saad to the Charter Study Committee.

Mr. Parker noted that Mr. Saad is on the Finance Committee.

Chairman Andrade said this is an ad hoc committee.

Mr. Cadime will check with legal.

Consider a Letter of Recognition of Service for the Fire Department

Mr. Cadime read a letter dated March 30, 2017 from the Smart family and tenants of 81 Hull Street in appreciation of the first responders' efforts to save the animals during a fire at that address.

Mr. Viera and Mr. Parker noted that Rep. Howitt, Save-A-Pet, and others donated oxygen masks for animals.

Mr. Parker said all trucks are now equipped with reusable masks.

Mr. Viera pointed out that all the recent fires have been south of Route 44.

Mr. Almeida added that early one morning last week an off duty Seekonk firefighter assisted in a three-car pile up on Warren Avenue in East Providence.

Chairman Andrade thanked the Smart Family for the letter.

Accept the Resignation of Raquel Lima from the Position of Kennel Worker

A motion was made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

VOTED: To accept the resignation of Raquel Lima as kennel worker with regret.

Consider the Reappointment of David Cabral to the SRPEDD Joint Training Planning Group (JTPG)

A motion was made by Mr. Parker, seconded by Mr. Almeida, and it was unanimously

VOTED: To reappoint David Cabral to the SRPEDD Joint Training Planning Group (JTPG).

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Mr. Parker stated the Board could not appoint an alternate at this time because it was not an agenda item. He motioned but would not support it.

Mr. Almeida felt it should be on the next agenda.

Mr. Viera did not think it was necessary. He would take direction from the Town Administrator.

A motion was made by Mr. Parker, seconded by Chairman Andrade, and it as

VOTED: 3 Ayes; 1 Nay; To appoint Michael Tyler as an alternate to the SRPEDD Joint Training Planning Group (JTPG).

The vote: Mr. Parker – Nay; Chairman Andrade – Aye; Mr. Almeida – Aye; Mr. Viera – Aye.

Mr. Parker stated it was not the individual; it's the process. The matter was not an agenda item.

Consider the Appointment of SRPEDD Representative for Board of Selectmen

A motion was made by Mr. Parker, seconded by Mr. Almeida, and it was unanimously

VOTED: To indefinitely postpone the appointment of a Board of Selectmen representative to SRPEDD.

Mr. Viera felt the representative should report to the Board on a quarterly basis.

Consider the Appointment of GATRA Representative

Mr. Cadime advised that COA Director Bernadette Huck usually is appointed. Given the fact that she had indicated she might retire within the next few months, he recommended the Board appoint him.

A motion was made by Mr. Viera, seconded by Mr. Almeida, and it was unanimously

VOTED: To appoint Shawn E. Cadime as the GATRA Representative.

Consider the Appointment of a Board of Selectmen Member to the Bristol County Advisory Board

A motion was made by Mr. Parker, seconded by Mr. Almeida, and it was unanimously

VOTED: To appoint Chairman David Andrade to the Bristol County Advisory Board.

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Presentation by Seth Pickering, Mass DER Regarding Green Communities Benefits

Consider the Recommendation on the Energy Committee General By-Law Amendment Regarding the Adoption of the Stretch Energy Code for Energy Efficiency

Mr. Seth Pickering, Green Communities Regional Coordinator, Southeast Region, Mass. Department of Energy Resources, was in attendance.

Mr. Charles Beauchamp of 127 Allen Avenue, Chairman of the Energy Committee, was in attendance.

Prior to his presentation, Mr. Pickering asked if the Energy Committee would be looking for an endorsement tonight. He understood he was to do an overview of the program and not give any type of recommendation. He would be glad to come back to talk about additional requirements of the program.

He explained that existing structures are not affected by the new stretch code. Only new residential construction from the ground up is by the stretch code. As far as commercial, supermarkets and laboratories 40,000 sq. ft. and greater and commercial buildings 100,000 sq. ft. and greater. The changes made in January 2017 have brought two codes close together.

Mr. Pickering said that going green means energy efficiency and energy reduction. They recommend all towns have an energy use baseline. They have free software available that has data input by utilities for all accounts in Seekonk. They are a conduit to do all energy efficiency audits at no cost.

They have granted over \$67M to 185 green communities in Massachusetts – not many in Bristol County. They recently established Municipal Energy Technical Assistance Grants (META) that assist in becoming a green community or help with reporting and record keeping. They have a partnership with MassCEC – Solarize Mass and Community Energy Strategic Planning.

There are five criteria to become a green community. The first one is adoption of as-of-right siting/ in designated location. The Town meets that with as-of- right zoning by-law for solar generation. He suggested Mr. Cadime look into appeals for special permits granting authority. The second is to expedite application/permitting process. Third, to establish an energy use baseline. Fourth is to purchase only fuel-efficient vehicles, and Five to adopt Stretch Code, which would require Town Meeting vote.

Mr. Pickering said Seekonk would probably get \$160,000 to \$170,000 initial designation grant. There are competitive grants for green communities on a yearly basis to a maximum of \$250,000.

The Department of Energy Resources will work with Seekonk even though it is not a green community.

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Mr. Pickering said the funding comes from regional greenhouse gas initiative auction proceeds and alternative compliance payments into renewal portfolio standards (included in electric bills). The governor is very supportive of this program. It has been very successful.

Mr. Beauchamp said the new building code in Seekonk is very similar to the Stretch Code.

Mr. Pickering said the new base code has performance requirements. There is no extra cost to homeowner with Mass SAVE incentives.

Mr. Beauchamp would like to include the stretch code on the Spring Town Meeting warrant in order to apply by October for green communities for 2018.

Mr. Pickering suggested reaching out to towns that are green communities.

LICENSING HEARING

Consider the Request for a Change of DBA for The Luxury Box Inc., d/b/a Charlie's Barbecue, 350 Fall River Avenue

A motion was made by Mr. Viera, seconded by Mr. Almeida, and it was unanimously

VOTED: To indefinitely postpone the request to change the DBA for The Luxury Box, Inc. d/b/a Charlie's Barbecue at 350 Fall River Avenue.

Consider the Request for Class II Motor Vehicle License at 14 Taunton Avenue for "The Car Palace"

A motion was made by Mr. Parker, seconded by Mr. Almeida, and it was unanimously

VOTED: To approve the Class II motor vehicle license for "The Car Palace," 17 Taunton Avenue.

OLD BUSINESS

Update on Old Town Hall

Mr. Cadime advised that he spoke to Atty. Klein of KP Law following the last meeting. He reiterated the Board's frustration. Atty. Klein submitted a letter to the tribe's attorney that the deed requirements were to be as outlined in the RFP. The deed is currently being processed by Atty. Klein. The \$4,000 retainer has been submitted to title attorney from the tribe. Hopefully, it will be resolved by the next meeting.

Chairman Andrade said he got a text message from Dr. Lincoln. He told Dr. Lincoln, as discussed many times, he should communicate through the attorney and pay to have the title

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search done or the Board would vote not to go forward because the tribe refused to proceed with the RFP process.

Mr. Almeida considered it another stalling tactic and he will not tolerate it.

Chairman Andrade said he communicated quite clearly to Dr. Lincoln that he would motion to rescind the agreement.

Mr. Cadime said Atty. Klein's letter was clear to that.

Chairman Andrade said that Dr. Lincoln asked if it would be prohibitive to rent a section of the basement to a law office.

He clarified that Atty. Klein has the paperwork and it should be ready for signature at the next Board meeting.

Mr. Viera wanted to make sure that town boards and committees would be able to utilize that building for meetings.

NEW BUSINESS

Consider the Planning Board Recommendation on the Chapter 61B Right of First Refusal to Acquire the Crandall Property AP 10 Lot 288

Town Planner John Aubin III stated the Planning Board recommended light recreation use and passive recreation utilizing the upper portion of the property.

Mr. Crandall has Conservation Commission approval for five proposed house lots even though the plan shows seven lots.

Board members need to know the price.

Mr. Cadime mentioned that any discussion with respect to price should be in executive session.

A motion was made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

VOTED: To consider the Planning Board's recommendation on the Chapter 61B Right of First Refusal to acquire the Crandall Property AP 10 Lot 288.

Conservation Agent Jennifer Miller advised this was before the Conservation Commission for over a year. She felt it would be great to preserve the property. She would hesitate to go in the direction of active recreation.

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Consider the Proposed Recreational Marijuana Sale Moratorium Zoning By-Law Amendment to Refer to Planning Board for Public Hearing

Mr. Aubin explained this was submitted to the Planning Board by way of a technical review committee from Police Chief Mace. It is a proposed 18-month moratorium on the sale of marijuana to allow the State to put regulations in place and the Town to adopt by-laws consistent with those regulations. The language is from town counsel through Chief Mace by way of an example from another community.

He made a correction and recommended that town counsel review. The Planning Board is ready to conduct a public hearing on May 9, 2017.

A motion was made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

VOTED: To consider the proposed recreational marijuana sale moratorium zoning by-law amendment to refer to the Planning Board for public hearing.

Mr. Cadime asked Mr. Aubin to get clarification on what the 18 months would be.

Consider the Acceptance of the \$12,500 District Local Technical Assistance (DLTA) Grant from SRPEDD

Mr. Aubin said he has a deadline of May 5 to provide a draft scope of work to the Lt. Governor's office. The formal process will start.

A motion was made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

VOTED: To accept the \$12,500 District Local Technical Assistant (DLTA) Grant from SRPEDD.

Consider the Request for a Road Opening Permit for Our Lady Queen of Martyrs at 385 Central Avenue

Mr. Michael P. Rego of 30 Sunset Drive spoke on behalf of Fr. Daniel Lacroix of Our Lady Queen of Martyrs Church. They have a failing boiler system at the Parish Life Center and need to replace it with gas boilers but found out about the moratorium on installing gas lines. They can't wait until November to do it. They requested an exception of 60 days so that work can start in September.

DPW Supt. David Cabral said he is not in favor of opening roads during moratorium. However, in this situation, it is a reasonable request. Columbia Gas is familiar with the situation.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was

VOTED: 3 Ayes; 1 Nay; To approve the request for a road opening permit for Our Lady Queen of Martyrs Church.

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The vote: Mr. Parker – Aye; Mr. Viera – Aye; Chairman Andrade – Aye; Mr. Almeida – Nay.

Chairman Andrade pointed out it is toward the end of the moratorium.

Mr. Viera inquired about a bond.

Mr. Cabral said Columbus Gas has a bond for road work in the town.

Mr. Almeida understood the urgency. It has nothing to do with the pastor or parish but he needs to stay consistent.

Consider the Resolution and Award Letter for the Brownfield Recoverable Grant for the 36 Maple Avenue Site

Conservation Agent Jennifer Miller and Town Planner John Aubin were in attendance.

A motion was made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

VOTED: To approve the resolution and award letter for the Brownfield Recoverable grant for the 36 Maple Avenue site and authorize the Town Administrator to sign the award letter.

Consider the Purchase and Sale Agreement for Read Street (Rear) Property; AP 26, Lot 13

Mr. Cadime advised this was approved at the November 28, 2016 Town Meeting using CPC money.

A motion was made by Mr. Viera, seconded by Mr. Parker, and it was unanimously

VOTED: To approve the purchase and sales agreement for Read Street (rear) Property, AP 26, Lot 14 and to include an amendment with the definition of open space.

CPC Chairman John Alves advised there are no restrictions on this property. It is a piece of conservation property to be used for open space.

Prior to the vote, Mr. Almeida read an e-mail sent by a group of residents to the Board regarding possible conflict of interest violations with regard to the purchase of property owned by Doug Benson by the CPC. That same gentleman might be in the process of building a house for the chairman of the CPC. If true, there is a violation of conflict of interest laws.

Mr. Alves responded that apparently the reference is to him. He was disappointed that this was sent to the Board after the November Town Meeting and with no names mentioned. It seems like a mudslinging opportunity.

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He has known Mr. Benson since the early 1990s. Mr. Benson put an addition on his house and built a house near him and is building another house next to that.

Chairman Andrade said this is the first discussion they have had on the matter. It was back in February. He wouldn't expect a prior relationship with an individual would affect this transaction. It was presented at Town Meeting and voted on.

Mr. Parker said it cleared the CPC and Town Meeting.

Mr. Cadime noted that Mr. Alves is not the only vote on the CPC. The State Ethics Commission would make the determination. There would have to be a financial gain from this transaction. The Town Meeting vote would still stand.

Mr. Viera suggested Mr. Alves get that ruling from the Ethics Commission.

Mr. Saad mentioned the ethics test that everyone takes has a section on full disclosure.

Mr. Alves said he did take that test and read and signed a synopsis from the Town Clerk's office. He is willing to contact the Ethics Commission. He is disappointed in the Board and the one member for considering complaints about his integrity by unnamed persons.

Mr. Cadime noted it is now public information.

Mr. Almeida suggested Mr. Alves should have abstained from the vote taken by the CPC.

Chairman Andrade apologized for not bringing it up sooner. He dismissed it. Speaking for the Board and himself, it was not an attempt to smear Mr. Alves' name. He also felt Mr. Alves should have abstained.

Mrs. Miller suggested the definition of open space should be included in the motion.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

VOTED: To include the definition of the Open Space Act in the motion.

Consider and Vote on FY'18 Budget

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

VOTED: To approve the FY'18 budget in the amount of \$52,618,574.

Prior to the vote, Mr. Cadime advised an additional \$21,143 from the State will go toward the School Department. The new figure for Education is \$26,352,253.

Mr. Almeida asked if the School Department was able to restructure the budget.

Mr. Cadime said the figure in this budget is his number.

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Mr. Cadime asked for authorization to apply any subsequent money from the State to the School Department.

Consider the Approval of Minutes of March 22, 2017

A motion was made Mr. Viera, seconded by Mr. Parker, and it was unanimously

VOTED: To accept the Regular Session minutes of March 22, 2017.

COMMUNITY SPEAKS

Mr. David Saad referred to the Crandall property. He questioned if the Town is going to use tax money to buy property that has been there for almost 30 years that is already protected and nobody wants it.

Mr. Parker said the builder will put five houses on it. It has been approved by the Planning Board.

Library Director Peter Fuller followed up on his presentation at the previous meeting. He discovered on Monday that he had incorrect information. He had indicated the six month deadline for local funding started in July when the grant awards are announced. It is actually six months from when the state offers to fund the project. Grants will be awarded over the next five years. He didn't feel Seekonk would be in the first round because there are some libraries in bad shape. Hopefully, that will put it in the regular election cycle.

OTHER BUSINESS – None.

TOWN ADMINISTRATOR'S REPORT

Mr. Cadime advised that Mr. Aubin, Chief Healy, and he met with representatives from Showcase Cinema about development and real estate.

It is difficult to market the property because there is no traffic light. He committed to look into it. There is a possible business that would generate significant jobs. He requested the Board send a letter to Rep. Howitt and Sen. Timilty to move this forward.

Chairman Andrade left the room. He filed a disclosure with the Town Clerk and will abstain from any discussions.

Mr. Cadime advised he would draft a RFP for architectural services for the animal shelter. He would like to advertise in the Central Register by May 10 with the closing on May 24. Short-listed individuals would be interviewed on May 31. Probably looking at early spring 2018 dedication.

Mr. Parker asked if could use plans from another community.

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Upon his return, Chairman Andrade said that plans actually belong to the architect and engineers and can only be used once.

BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS

Mr. Viera advised that only eight more bricks need to be installed and will be in by Memorial Day as well as repairs to other bricks. The Memorial Day Parade will step off at 10 a.m. on Saturday, May 27, 2017. This is his 39th year as chairman. Anyone who wants to participate should contact town hall or call him.

He mentioned that Rep. Howitt might be able to get cannon from the National Guard for the Memorial Park.

Board members felt it is a good idea.

Mr. Viera remembered Kenny Tait who passed away on Easter Sunday. He was a town employee.

Mr. Parker added that he was very much involved in the community.

Mr. Almeida asked about the rates for KP Law.

Mr. Cadime advised \$180 per hour and it includes travel time.

EXECUTIVE SESSION

At 9:50 p.m., Mr. Viera motioned, seconded by Mr. Parker, to go into Executive Session to conduct strategy sessions with respect to negotiations with the Seekonk Public Library Employee Association, MLSA, AFT Massachusetts, AFL-CIO per M.G.L. Chapter 30A, Section 21(a)(3) as having the discussion in Open Session would be detrimental to the litigation or bargaining position of the town; not to reconvene in Open Session.

The vote: Mr. Viera – Aye; Mr. Parker – Aye; Mr. Almeida – Aye; Chairman Andrade – Aye.

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary

